

LAW OFFICES
JAMES C. THOMAS
A PROFESSIONAL CORPORATION

JAMES C. THOMAS

OF COUNSEL TO
O'REILLY RANCILIO PC
STERLING TOWN CENTER
12900 HALL ROAD, SUITE 350
STERLING HEIGHTS, MI 48313
(586) 726-1000 • FAX (586) 726-1560
jthomas@orlaw.com

July 1, 2019

The Honorable Anthony P. Patti
United States Magistrate Judge
Theodore Levin United States Courthouse
231 Lafayette Boulevard, Room 624
Detroit, Michigan 48226

RE: State Farm Mutual v. Elite Health Centers, et al, 16cv-13040
Janet Rosenberg Responsive Documents

Dear Judge Patti:

Per your Order of today's date, counsel will comply further on or before July 9, 2019. Since 2010, Ms. Rosenberg has used four personal email accounts. Two of these accounts have been searched. Those are jrosenberg91158@gmail.com and jlrose911@gmail.com. A diligent inquiry was made and thousands of emails were reviewed. The former has one document that relates to the lawsuit. However, it involves a communication between myself and my client early on in my representation and is protected by the attorney client privilege. The balance of these emails do not have any relevance to documents requested in the Subpoena to Janet Rosenberg filed October 17, 2018 (Doc. #341).

The other personal email accounts Ms. Rosenberg have used since 2010 have been deactivated upon information and belief, contrary to the assertion by State Farm that they were deactivated, due to passage of time and are not accessible. Those accounts are jylnnrosenberg@gmail.com and janjanrose911@gmail.com. Counsel is aware of the plaintiff's ability to have obtained some of Rosenberg emails from other party defendants. In any event, she has not been able to access any of the information requested from the service provider. These Gmail accounts were also hosted by Google. On May 16, 2019, a member of my staff contacted Google's Legal Department to ask for assistance in recovering email accounts (see attached email from Google Legal Support dated May 21, 2019). To date, despite multiple attempts, Ms. Rosenberg has not been able to access these two accounts or to obtain any information from them. Plaintiff's counsel suggested a procedure wherein Ms. Rosenberg could recover email accounts. Most recently on May 17, 2019, that procedure was employed, to no avail. To date, neither Ms. Rosenberg or myself have received any response from Google, nor have they responded to our request for assistance in recovering the email accounts referred to above.

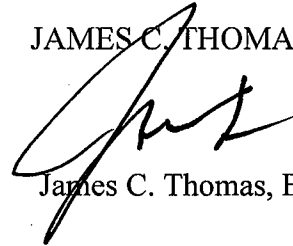
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While it is true that counsel was in trial for a month before Judge Michelson extending into June, and is currently in preparation for trial before Judge Cleland in another matter scheduled to begin on July 8, there is no excuse for the delay in this very important matter. We have complied with State Farm's request to employ extraordinary procedures to obtain emails which they apparently have already been able to obtain through other defendants. These efforts have been to no avail.

There remains an issue which is yet to be resolved relating to the production of Ms. Rosenberg's personal emails and her employment emails. We respect the Court's ruling regarding judicial resources. The Court has extended the time within which to respond to July 9th. We will update the Court on or before that date if there is anything further.

Sincerely,

JAMES C. THOMAS, P.C.



James C. Thomas, Esq.

JCT/ama

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notices of electronic filing to all counsel of record.

By: /s/ James C. Thomas
James C. Thomas, Attorney for Janet Rosenberg

Thomas, James

From: Adam Pradko <pradkoah@udmercy.edu>
Sent: Monday, May 20, 2019 9:30 PM
To: Thomas, James
Subject: Fwd: [5-5622000026515] Trying to recover old gmail accounts to respond to subpoena

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From: google-legal-support@google.com <google-legal-support@google.com>
Sent: Tuesday, May 21, 2019 12:57:10 AM
To: Adam Pradko
Subject: RE: [5-5622000026515] Trying to recover old gmail accounts to respond to subpoena

Hi Adam,

For security reasons, Google does not keep passwords to subscriber accounts in a manner allowing them to be retrieved. Since the user does not have access to the account, Google will not be able to verify the ownership of the account. Accordingly, we are unable to provide the password to you.

Also, Google does not respond to informal requests for non-public information about our users. The information you are requesting, to the extent it exists, is subject to state and federal laws. In accordance with those laws, it is Google's policy to only provide subscriber information pursuant to a properly served, valid third party subpoena or other appropriate legal process.

To learn more about serving Google with a civil subpoena or other legal process that requests user data, please see our help center article at <https://support.google.com/faqs/answer/6151275?hl=en>.

Regards,

Google Legal Support

Printed and attached

On 05/16/19 08:56:49 pradkoah@udmercy.edu wrote:

To whom it may concern:

I'm a law clerk with attorney James Thomas, who is Of Counsel at O'Reilly Rancillio in Michigan. We are representing a client who is trying to respond to a subpoena as a non-party to a civil suit. She is unable to access two old gmail accounts which she has not used in several years. She has worked with an IT specialist and been unable to access the accounts through the normal channels.

We are hoping that if the accounts and emails still exist, she / we can be given access to them. We need all emails going back to January 1, 2010. The accounts are:

jlynnrosenberg@gmail.com

janjanrose911@gmail.com

The client's name is Janet Rosenberg and her current gmail account, which is still in use, is jrosenberg91158@gmail.com. Her phone number is 248.259.9700.

You can contact me or her directly for the request.

Can you please let me know if this is possible? The best way to reach me is by email or at 586.242.4211. Thank you.

Adam H. Pradko

Juris Doctor Candidate, 2020

University of Detroit Mercy School of Law

pradkoah@udmercy.edu 586.242.4211

Serving Civil Subpoenas or Other Civil Requests on Google

- If you are in the U.S.
- If you are outside of the U.S.
- Where can I obtain information about my own account?

This page provides information for an individual or an attorney seeking user data in a civil case in the U.S or outside of the U.S. When Google receives requests for user data, we review them very carefully according to applicable state and federal laws. It's Google's policy to notify users before data is disclosed as set out here.

If you are law enforcement seeking user data related to a criminal case, you can read more about our policies and processes at the Transparency Report.

Civil Requests from Inside the U.S.

Google accepts civil requests for user data (including subpoenas and court orders) issued from the Santa Clara Superior Court or the U.S. District Court for the Northern District of California. You can serve Google with the civil request through the appropriate office of Google's registered service agent, Corporation Service Company (or "CSC").

The CSC office in California is located at the following address:

Corporation Service Company
2710 Gateway Oaks Drive, Suite 150N
Sacramento, CA 95833

If you would like to serve Google with the civil requests through CSC outside of California, you may be able to find other addresses for CSC by searching for Google LLC on the website of the Secretary of State for other states ("Other Google Notice Addresses").

We prefer that service be made through CSC because service on Google through CSC will ensure the most efficient handling of the request possible.¹

Requests must specifically name the product/service and identify the accounts by email address or other appropriate unique identifier. Requests to identify users by real names or IP addresses may be declined.

Google is unable to accept service by email, fax, or regular mail.

Civil Requests from Outside the U.S.

For requests from outside the U.S., Google LLC can be reached at:

Google LLC
c/o Custodian of Records
1600 Amphitheatre Parkway
Mountain View, California 94043
United States of America

To avoid delays, please provide an email address to which we can respond.

Requests must specifically name the product/service and identify the accounts by email address or other appropriate unique identifier. Requests to identify users by real names or IP addresses may be declined.

Where can I obtain information about my own account?

If you are a user seeking your own data, Google Dashboard (www.google.com/dashboard) provides a summary of information associated with your account.

Additionally, you can use Google Takeout (www.google.com/takeout) to download data stored within your account.

¹If you want to serve Google by other means (and not through CSC), check the applicable laws, rules, and regulations governing your legal request. Depending on the the type of service permitted, Google may accept service as follows:

If service by Fedex, UPS, or certified mail is permitted, you can serve Google at the following address:

Google LLC
C/O Custodian of Records
1600 Amphitheatre Parkway
Mountain View, CA 94043

If service by personal service is permitted, you can serve Google at the following address:


Google LLC
C/O Custodian of Records
1001 North Shoreline Boulevard
Mountain View, CA 94043

Was this article helpful?

Yes

No

Serving Civil Subpoenas on Google

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 [Serving Requests for User Data On Behalf of Defendants in Criminal Proceedings in the U.S. on Google](#)

English ▼

